THE New Republic

Cussing Out The Court—
Gerald Johnson
Page 11

# Youth Festival in Moscow

*Is The State Department Justified in Discouraging American Participation?*

Trial by Jury and the South..... *Alan Barth*

Some American Eccentrics.. *Donald Malcolm*

The Peaks of Literature..... *Ivor Brown*

## LIMITED ANNIHILATION?

*James E. King, Jr. Concludes His Comments on Nuclear Weapons and Foreign Policy*

JULY 15, 1957

25c

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

# Washington Wire

## *I'm For It, But . . .*

THERE IS a marked similarity between President Eisenhower's handling of the budget dispute, the nuclear test dispute and the civil rights dispute. In each case he seemed to be on both sides of the question at decisive moments.

*Budget*: When Treasury Secretary George Humphrey attacked the unprecedented $72 billion peacetime Eisenhower budget in January the President, instead of firing Humphrey, mildly declared, January 23, that if Congress could cut the budget "it is their duty to do it." Big business and the press thought this was a green light for pressure on Congress and launched a huge anti-budget attack. It was not till the House passed a tongue-in-cheek resolution asking the President where to cut the budget that he began to defend it. Even after GOP Old Guard Sen. Barry Goldwater called the 1958 budget "a betrayal of the public trust" Eisenhower, April 10, agreed sorrowfully that "$72 billion is still a terrific amount of money." The spectacle of a Chief Executive wavering about his own budget is something new in US politics.

*Nuclear tests and Disarmament*: With Harold Stassen negotiating in London it became apparent from Eisenhower comments that the Administration had not settled its own internal disagreements. The President's deep feeling for disarmament is known; on June 26 he said, "I repeat it almost in my sleep, there will be no such thing as a victorious side in any global war of the future." But in the meantime AEC Chairman Strauss had rushed atomic scientist Ernest Lawrence and Edward Teller in to see him with word that if instead of suspending nuclear tests they could be continued "four or five years" we might have "an absolutely clean bomb." On June 26 and again in the press conference last week the perplexed President seemed to be arguing with himself in public. Humanity would be benefited by disarmament, true, he said; but humanity would also be benefited by the achievement of a fantastic new clean explosive in "building tunnels" and "moving mountains." Asked bluntly if he were "less enthusiastic" about a disarmament agreement than "previously," he repeated that he had "not withdrawn" from his earlier offers. It will be hard to forget the image of a pink-faced, harassed man commenting unhappily, "I repeat it almost in my sleep. . . . "

*Civil Rights*: On two occasions the President supported his civil rights bill as "fair" and "moderate." Then Sen. Richard Russell (D, Ga.) let loose his violent blast charging the bill, unknown to the President, was "cunningly devised" to "enforce a commingling of the races." Eisenhower reacted typically. He was deeply troubled. He told the press last week that (a) he had not previously read the bill; and (b) he had now read parts of it and "there were certain phrases I didn't completely understand." He wanted to talk the whole thing over with the Attorney General.

We submit that the same pattern emerges on these three issues. Eisenhower does not seem to have been fully briefed and prepared when he started them. Then at the psychological moment when the time came for full support, he flinched. Each of these issues was a part of his own program. Yet he gave the impression of indecisiveness and unreadiness when he faced the opposition.

## *Democrats and Dixie*

LIBERAL Sen. Richard Neuberger (D, Ore.) in a thoughtful article argues that Northern Democrats must retain their working alliance with Dixie in spite of the clash over civil rights because of the still greater conservatism of the GOP. He makes an arguable case and yet we wonder if the ancient coalition isn't crumbling. Year after year the Southerners take the committee posts by seniority since they come from one-party states and automatically get re-elected while the Northerners have fearful struggles to survive and rarely reach the top in Congress. Now the Northern liberals are further endangered by the defection of the big city Negro vote. Another price of Johnson - Rayburn Southern leadership is the natural gas bill and the outrageous 27.5 percent depletion allowance for oil.

It seems to this column that the time has come for the Democratic liberals to renegotiate their arrangement with Dixie. The Southern Senators are being driven back on civil rights; the political area known as the "deep South" is visibly shrinking with Republican inroads. In a Presidential election Southern support can be a liability. Truman won by disregarding it; Neuberger agrees that Adlai Stevenson probably paid too high a price for it. Why should Dixie get the cream of the committee chairmanships in Congress under seniority when it has so little national political strength to contribute to the party? Above all it would seem that the next Democratic Presidential convention should take a friendly but firm stand: if the South wants to bolt, let it. (We find ourselves a little uncomfortable over Presidential aspirant John Kennedy's flirtation with Southern politicians.)

## *Pressure on the South*

THE OUTSTANDING development in the civil rights battle is the weakness of the South. It could not block the House, 286-126, from passing the bill; it could not block the Senate, 45-39, from bypassing the Eastland Committee. The direction of history is plain: Negroes are gradually accumulating economic strength, and a democracy competing in a cold war with Moscow must enfranchise them. Even more important than the bill itself, it seems to us, is to keep steady pressure on the South for improvement and to sustain that sense of inevitability which is now so evident. Senator Russell's emotionalism revealed his desperation; instead of defending the whites from "commingling," as he claims, he is aiding the Communists round the world in their propaganda against the US.

**T.R.B.**

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The New Republic

A JOURNAL OF OPINION

JULY 15, 1957

THE WEEK 3

*A Clean Death: Disarmament Skeptics: China Policy Change?: Legislation by Scare; Postscript on Suez; Light Up, Unlucky; Socialists and Algeria; The Case of Sgt. Girard*

ARTICLES 9

*1774—Status of Forces in Massachusetts*
*by Helen Hill Miller*

*Trial by Jury—The Southern Argument*
*by Alan Barth*

*The Superficial Aspect*
*by Gerald W. Johnson*

*Moscow's Festival for Youth*
*by Harris Wofford, Jr. and Harry H. Lunn, Jr.*

BOOKS AND COMMENT 16

*Reviews: Nuclear Weapons and Foreign Policy; The Fine Art of Reading; The Square Pegs*

TELEVISION 21

VOL. 137, NOS. 3-4, ISSUES 2224-25

# Correspondence

► *Odium Theologicum*

SIRS:

*The New Republic* has just published one of the most encouraging book reviews of recent times—*American Philsophy: A Requiem* (*NR*, June 17)—a lengthy discussion by Dean Robert Fitch ostensibly of a volume edited by Sidney Hook, *American Philosophers at Work*. It is encouraging, to one reader anyway, because it indicates that one more name may be added to the list of those important and well-known theologians who have been discovering of late that critical philosophy is not for them; or that if one is to be an effective theologian in this day and age, all pretense of clarity, consistency and reasonableness is to be abandoned.

When all is said and done, what Dean Fitch has turned out is a sermon, not on the demise of American philosophy as

(*Continued on page 22*)

# A Clean Death

IS IT "cleaner" to be vaporized by H-bomb blast than to be poisoned by H-bomb fallout? Apparently so, if we correctly read the President's words on the possible development within five years—if testing continues—of a 100 percent "clean" H-bomb:

> If you use it on the battlefield, you will have an effect only so far as its blast and heat waves reach, and there will be no fallout to injure any innocent bystanders that are X miles, the necessary distance to get out of the area of heat and blast.

Let us try and apply that formula, using 40 to 50 miles as the heat-blast diameter of the "clean" megaton bomb. This would allow the Russians to atomize any major city in the northeast quarter of the US by aiming at such legitimate military targets as strategic airfields, principal ports and rail centers and industrial complexes—the population being "innocent bystanders." Likewise, every important city in Western Europe could be levelled in the course of the strategic bombing of nearby military targets. All this could be done with 100 percent "clean" bombs.

Or let us think about the 96 percent "clean" bomb, which the President announces we now have and which the world is welcome to inspect. That bomb gives off approximately twice as much radioactive bomb debris as the original Hiroshima and Nagasaki bombs, the reason being that four percent "dirtiness" in a 10 megaton H-bomb—the size reportedly detonated at Bikini in March, 1954—is equal in radioactive debris to a 40 kiloton A-bomb. The two bombs we dropped on Japan were only about 15 to 20 kilotons. Yet even these early Model-T nuclear explosions brought radiation sickness to thousands of Japanese.

But even more to the point is the fact that "clean" H-bombs would in no way preclude the use of existing "dirty" bombs in a dire emergency —either by the US, the USSR, or a third nuclear power. In fact, the limitations of the "clean" bomb, not heretofore divulged by the government, actually argue for the use of the "dirty" bomb in an emergency. Deriving its blast force entirely from hydrogen, the "clean" bomb is a heavier weapon than one which generates the same blast force from a combination of hydrogen and raw uranium, as in the Bikini-type bomb. The "clean" warhead on a long-range missile would, by its heavy weight, impose a serious limitation on the size of the missile itself. Scientists, we are told, are now employing a ratio of 200-to-1 for the weight of the missile compared to the weight of the warhead. This means that if 10 pounds is added to the weight of the warhead, one ton must be added to the weight of the delivery vehicle. From this one can deduce that in time of military emergency the temptation to use the "dirty," lighter-weight warhead rather than the "clean" warhead will be very great—if both are available. When Admiral Lewis L. Strauss and his technicians plead for five more years of tests, they are asking, it seems to us, *not* for time to produce a "humanitarian" bomb, but for a continuation of the arms race.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

# Disarmament Skeptics

IT WOULD BE surprising indeed if the victory of Mr. Khrushchev over his rivals in the Kremlin were to *hurt* the chances for progress in the arms limitation discussions now going on in London. Most speculation runs the other way: it is now being assumed that East-West agreement is possible on four points: a 10-month suspension of nuclear tests, subsequent suspension of the manufacture of nuclear materials for military purposes, a minor cut-back in military manpower and the pooling of some conventional weapons in a UN arms agency, and the establishment (possibly in Europe) of an aerial-ground inspection zone to guard against any surprise attack.

Placed side by side, these do not spell disarmament, but they are an impressive "first step" toward bringing the current competition for military supremacy under some international control.

An optimistic view of Mr. Stassen's progress in London, however, needs to be tempered by an awareness of powerful arguments being advanced in Washington against any agreement with the Russians. The skeptics argue, in the first place, that an agreement would require our country to relinquish important military advantages which would accrue to us in an unimpeded arms race. This, in essence, is Admiral Strauss' assumption as he attempts to persuade us of the advantages of testing for a "clean" bomb. A similar point is made by retiring Atomic Energy Commissioner Thomas Murray when he urges uninterrupted testing of small atomic weapons for the battlefield. A key question, however, is not answered by either the Admiral or Mr. Murray: If another five years of testing allows for the emergence of France and possibly Communist China as nuclear "fourth powers," or the emergence of the intercontinental missile as a proven weapon, would the United States then be more secure than we would have been had we accepted the limitations which Mr. Stassen is now proposing in London?

It is also argued that Russia could cheat on any agreement to suspend tests, that if the USSR develops a "clean" bomb, she could cheat even on H-bomb tests. This is a viewpoint presented by AEC scientists to members of Congress—though it was not mentioned publicly. Whether evasion of a test agreement is possible is a matter of dispute among nuclear scientists. One expert consulted by *The New Republic* has expressed the opinion that if American scientific observers were to be stationed at intervals of 500 miles throughout Communist territory and equipped with detection devices for shock, sound and radiation, they could detect any Russian test of significance—whether "clean" or "dirty."

Finally, the skeptics—and they include influential Presidential advisors—argue that any arms limitation is bound to lower East-West tensions, and that to do so is to freeze existing political divisions in Germany, Korea and Vietnam. Further, they suggest, an agreement today with the Russians would tend to confirm and perpetuate Communist domination of Eastern Europe. But this is a doctrine that does not commend itself to common sense. For how can we be convinced that hope rests on fear, and that security depends upon the persistent sense of insecurity?

# China Policy Change?

IN HIS San Francisco speech and his subsequent press conference, Secretary Dulles repeated familiar themes one associates with the pro-Chiang evangelism of his Assistant Secretary for Far Eastern Affairs, Walter S. Robertson. But in the same breath, with a disregard for evangelical consistency, Mr. Dulles said other things which seem to us to open the escape hatch for possible retreat from our present China policy.

The Robertson approach assumes the likelihood of internal collapse in China. It envisages a prolonged "holding operation" by the US—holding out indefinitely, if need be, until the present Communist regime gives way to an "acceptable" one. Now Mr. Dulles too anticipates change, if not collapse, inside Communist China. "International Communism's rule of strict conformity is, in China as elsewhere," he says, "a passing and not a perpetual phase." But Mr. Dulles then goes on to say that our relations with China will not be governed by when, or even whether, these changes ever come to pass. "When it comes to having diplomatic and official relations with a regime," he told his press conference,

> we do not make as a primary test how it conducts itself at home; but rather how it conducts itself in the international field . . . if any regime conducts itself respec-

THE NEW REPUBLIC
1244 NINETEENTH ST. N. W., WASHINGTON 6, D. C.
GILBERT A. HARRISON, *Editor and Publisher*
MICHAEL STRAIGHT, *Editor-at-Large*
HELEN FULLER, *Managing Editor*
Selig S. Harrison, *Associate Editor*
Robert Evett, *Book and Music Editor*
*Staff Contributors:* Donald Malcolm, Gerald W. Johnson, B. H. Haggin, Frank Getlein
F. R. Ruskin, *Assistant to the Publisher*
Published weekly (except for omission of four summer issues) and copyrighted, 1957 in the USA by The New Republic, Inc., and distributed to newsstands by the Eastern News Company, N. Y. 14, N. Y. Phone: REpublic 7-8656. Entered as second-cass matter September 26, 1950, at the post office at Washington, D. C., under the Act of March 3, 1879. Single copy, 25c; Yearly subscription, $7.00; Foreign, $8.00; Armed Forces personnel or students, $5.00. Subscribers desiring change of address should notify us at least three weeks in advance. Please include both old and new addresses.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tably in the field of foreign affairs, then our attitude would be responsive to that.

Similarly, whereas Robertson's analysis takes it for granted that any change in US policy would strengthen Mao's regime—enabling him to confront domestic critics with a major international success—Dulles at least grants the possibility that contact with the West might promote forces inside China undermining the "rule of strict conformity." Moreover, he adds, we are "constantly testing our policies, to be as certain as we can be" that we are properly assessing the consequences of any change.

Whereas Robertson has never addressed himself directly to Peking—that in itself might imply "recognition"—Dulles has done so, although in an indirect and guarded manner. He distinguishes between three possible areas for change in US policy:

> If we believed that this passing [international Communism's rule of strict conformity] would be promoted by trade and cultural relations, we would have such relations.
>
> If we believed that this passing would be promoted by our having diplomatic relations with the present regime, we would have such relations.
>
> If we believed that this passing would be promoted by some participation of the present regime in the activities of the United Nations, we would not oppose that.

There is a whisper of a suggestion here, in the separate enumeration of these areas, that we are prepared to consider each at the bargaining table. Why else would Dulles refer pointedly, in a prepared major address, to the possibility of "some participation" by Peking in UN activities?

"Our policies are readily adjustable to meet the requirements of changing conditions," he states. "But there are occasions when not we, but others, should provide the change." This is quite different from suggesting, as Robertson invariably does, that the Chinese Communists must surrender unconditionally on all fronts, all at once, before we will have anything to do with them. On the contrary, the Secretary points to the "tests" which led to US recognition of the Soviet Union and emphasizes that

> the treatment of American citizens is one test to which we attach very great importance and which always has been treated as a matter of great importance.

Since Peking is obviously using its US prisoners for bargaining purposes—six are held at present, compared to 13 one year ago—it is conceivable that, if only to force our hand, the prisoners' issue may be removed from the realm of controversy. Are we prepared to reciprocate with a *quid* for Peking's *quo?* Dulles seems to be saying "yes"—or at least "maybe."

## The British Universities

A FASCINATING report by the heads of Britain's Universities on the qualifications and social background of their new students in the year 1955 shows that about one out of every 25 children reaching the age of 18 applies for admission to a university. Of these 40 percent are rejected because they do not reach the required standards. But of every eight who do qualify, one is rejected because there is no room for him in the particular faculty he requires. For example, though there are still vacancies in classical and oriental languages, there is a serious shortage in the sciences.

The most interesting feature of the report, however, is its revelation that *about one-quarter of the best brains in the country are lost to the universities somewhere beween the ages of 11 and 18.* These are the working-class boys who qualify for a grammar school education at 11 but fail to apply for a university education seven years later. Thus, though manual workers form 72 percent of the British population and their children provide 66 percent of the best grammar school students, only 47 percent of the best brains at school-leaving age come from the manual workers and less than one-third of university students.

It is not easy to establish the reasons for this with precision—and the attempt to do so is bound to inflame political passions. Snobbery in the universities themselves can be ruled out almost entirely. The reason why some of the expensive boarding schools—misnamed "public schools" in England—take a disproportionate share of university scholarships is that, since they can afford smaller classes and higher paid teachers, they do provide a better education than most of the grammar schools.

But there is no doubt that the main reason for the failure of half the cleverest working-class boys to reach the universities is the fact that their parents are either unable or unwilling to provide the necessary conditions. It will usually cost a working-class family great sacrifices to provide its children with the privacy required for study—not to speak of the books or phonograph records which could help to broaden their minds. But a more serious handicap still is that many working-class parents value a university education less highly than the wages which a clever boy or girl can earn by leaving school at 16. A high proportion of the best grammar school brains leave school before completing their full course for this reason.

It may be that the nation as a whole gains more than the universities lose by feeding these brains directly into industry at an earlier age. In any case the removal of the grosser injustices of the earlier social system is revealing problems on which the traditional dogmas of political parties have little to contribute.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

# Legislation by Scare

WE HAVE HEARD and will continue hearing, from Southerners in particular, that considered deliberation is an essential of democratic government. Legislation, especially legislation concerning civil rights, must not be rushed; all sides must be heard, and at length.

The theory is sound. But it would be more convincing if it were consistently applied. Take the case of one piece of civil rights legislation now before the Congress about which little has been written and on which there has been no debate—S. 2377, a bill designed according to its partisans to protect the FBI's confidential files from indiscriminate public scrutiny. We shall come later to some of the questionable contents of the bill; what concerns us at the moment is the speed with which it shot through the appropriate subcommittees and committees of both branches of Congress.

S. 2377 came up before the Senate Special Subcommittee on Improvement in the Federal Criminal Code on June 28. Two, and only two, witnesses were called to testify. Both spoke for the bill — Attorney General Brownell and Assistant Secretary of the Treasury David W. Kendall. Immediately after their statements, the subcommittee approved and forwarded the bill to the full Judiciary Committee, presided over by that illustrious advocate of unlimited debate, Sen. James Eastland of Mississippi. On July 1, the full committee took up the bill, and within a few minutes, it, too, approved it. No further witnesses were called upon, nor were any dissenting statements placed in the record.

Similarly in the House, the bill was endorsed by both the subcommittee (June 27) and the full Judiciary Committee (July 2) on the same days it came before those bodies. The only witnesses were Mr. Brownell, Mr. Kendall and Reps. Kenneth Keating and Francis Walter.

Why the speed? Because on June 3, in its ruling in the *Jencks* case, the Supreme Court directed the government to produce the statements made to the FBI by witness Harvey Matusow, and re-stated the traditional proposition that government may not undertake to prosecute someone and then invoke its privileges to deprive the accused of information which might be material to his defense. Nothing radical in that. As the Dean of the Harvard Law School put it, the opinion "simply blueprints procedures used right here in Boston and every criminal court."

But that is not the impression of the *Jencks* ruling one got by reading the newspapers. A front-page story in the *New York Herald Tribune* signed by Don Whitehead, author of *The FBI Story,* opened with the dramatic warning that,

> the FBI is prepared today to drop out of the prosecution of espionage and criminal cases if such a drastic step should be necessary to protect the confidential nature of its files.

Attorney-General Brownell warned of a "grave emergency." Nothing so frightening had been heard in Washington since Postmaster Summerfield threatened to slow up mail deliveries if the Post Office were not given more money, or since Secretary Dulles said Communism would take over the Middle East if the Eisenhower Doctrine were not approved. There was no time to waste in, say, reading what Brownell's legislation said.

And what it says is worth reading. It would, among other things, deny the defense in criminal trials access to any FBI reports which were not signed or otherwise approved by the witness, thus permitting the FBI in effect to determine itself whether any statements it takes down will ever be disclosed. S. 2377 also would permit the government to withhold even those portions of FBI reports which the trial judge has ordered turned over to the defense. Under one provision of the Brownell bill, the judge would then have an option: he could declare a mistrial or, and this is new, he could proceed with the trial and merely strike out of the record all testimony of the prosecution witness concerned. In effect, then, the bill invites a relaxation of rules governing mistrials.

# Postscript on Suez

ON OCTOBER 31, 1946, the Suez Canal was blocked. Three days later oil stopped flowing through the pipelines of Iraq Petroleum Company. Europe, heavily dependent on Middle East oil, appeared headed for a hard winter. Statesmen spoke soberly of a "crisis." But the word, it now appears, was a misnomer—at least insofar as it applied to major American oil companies. For them, Suez proved a blessing undisguised.

It will be recalled that at the time of the emergency, the Eisenhower Administration brought together 15 oil companies into a Middle East Emergency Committee whose object was to help meet Europe's oil needs. In return for this service, MEEC members were granted virtual immunity from federal antitrust laws.

One of the first decisions of the cooperating companies was to boost the per-barrel price of crude oil by 35 cents. The price rise was non-discriminatory: Europeans as well as Americans paid it, and it was in part responsible for the fact that Gulf Oil Corporation collected $95,938,000 in after-tax profits during the first quarter of 1957, the key period of MEEC operation. This represented a gain of 31.9 percent in net profits over the similar period in 1956.

The Texas Company bettered its first-quarter 1956 profits by 23.5 percent, but the chairman of the board cautioned Texas stockholders not to expect this sort of spectacular profit-taking all the time: "Once the Canal is open," he declared, "we will no longer be withdraw-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ing from inventories to supply Europe." Standard Oil of New Jersey, whom critics have charged with dominating MEEC, made a net gain in profits during the Suez emergency of only $237 million—or 15.6 percent. In toto, the profits of the five largest members of MEEC increased 19 percent over the corresponding quarter of 1956.

Well, why not, one might ask? They did the job, didn't they? Let us see. If we carefully filter the figures presented by both the companies and the Administration before the Senate Antitrust Committee this spring, we find that during the entire winter period, when MEEC was leaving no paper unturned in its heroic effort to aid our European allies, *less* crude oil was shipped per day from the US to Europe than during the month of November, 1956—before the emergency began!

# Light Up, Unlucky

A NON-SMOKING subscriber takes us to task for an editorial in the June 17th issue, "Light Up, Unlucky." "You seem a trifle quick," he writes,

> to accept the cigarette smoking vs. death rate statistics at face value, without even considering the possibility that the correlation is an indirect one: Many people smoke a lot because they are under nervous tension. If a similar survey showed that people who bite their fingernails die earlier than those who do not, would you deduce that fingernails are poisonous?

The reader is right that the evidence linking cigarettes with cancer is circumstantial, as our editorial did note. But if nervousness and its underlying causes are the real source of trouble, how does one explain that fatal lung cancer occurs three times more often among regular cigarette smokers than among regular cigar smokers, and 32 times more often than among regular pipe smokers? Do chronic worriers take to cigarettes, moderate worriers to cigars, and little worrybirds to pipes? Or is it more plausible that cigarette smokers—the only ones who generally inhale—retain something toxic from the smoke?

Scientists who conducted the two recent surveys of smoking experience weighed the possibility that the association of cigarettes and cancer is fortuitous. For example, the joint report issued last March 22 by the American Cancer Society, American Heart Association and the National Institutes of Health reached this conclusion: "The sum total of scientific evidence establishes beyond reasonable doubt that cigarette smoking is a causative factor in the rapidly increasing incidence of human epidermoid carcinoma of the lung."

And the author of the more recent statistical study for the Cancer Society, Dr. E. Cuyler Hammond, expressed the opinion at a press conference that "the evidence shows that heavy cigarette smoking is a causative factor in lung cancer, but presumably not the only cause."

The latest authority heard from is the highly respected British Medical Research Council, which declared in a report on June 27 that a high statistical linkage exists between cigarette smoking and lung cancer, and added: "In the opinion of the Council, the most reasonable interpretation of this evidence is that the relationship is one of direct cause and effect."

Despite a protest by the British tobacco industry, the British Ministry of Health has sent copies of the Medical Research Council study to all local health agencies and the Government-owned British Broadcasting Corporation will publicize the report as a major news event. "It is right to insure that this latest authoritative opinion is brought effectively to the public notice that everyone may know the risks involved in smoking," the Minister of Health told the House of Commons.

The US Public Health Service has not yet said what it will do in light of the Cancer Society conclusion of March 22 that "the smoking of tobacco, especially in the form of cigarettes, is an important health hazard" and that there is "need for thorough consideration of appropriate control measures on the part of the official and voluntary agencies." The decision will be of considerable interest to Americans who purchased 399 billion cigarettes last year, at a cost of about $4 billion (and *not,* as we incorrectly reported in our June 17th article, 399 million cigarettes at a cost of $46 billion!)

# Socialists and Algeria

THE ONLY problem that preoccupied the French Socialist Party Congress that met at Toulouse between June 27th and 30th was that of Algeria. The heat generated by the debate almost equaled the heat-wave that descended upon the town. But when the time to vote

NEXT ISSUE—JULY 29

**EISENHOWER AND STEVENSON**

***As Seen by Their Biographer***

Kenneth S. Davis, author of a soon-to-be-published book on Adlai Stevenson and of an earlier biography of General Eisenhower, discusses the contrasting qualities of his two subjects.

**THE COURT AND ITS NEW CRITICS**

***by David Riesman***

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

came, Guy Mollet's tight control over the large federations of the North enabled him to carry with a sizable majority a motion that in essence ratifies the *status quo*. It rejects in the most emphatic terms Algerian independence; it refuses to treat the Algerian rebellion as a nationalist movement; it pays little attention even to the notion developed by the Socialists themselves (and picked up by Senator John Kennedy in his recent speech) of an Algerian "personality"; it remains equivocal on the creation of an Algerian legislature and executive with large autonomy over internal affairs. And finally, it is favorable to the continuation of the policy of military repression, euphemistically called "pacification" and pursued since January, 1956, under what amounts to a virtual *carte blanche* to the Minister of Algeria, M. Lacoste.

Even direct negotiations seem to be shunned since the Socialist motion adopted refers to "official and direct" negotiations. The word "official" excludes negotiations with the leaders of the Algerian rebels. Many of them are in jail and M. Mollet has never considered them as the "official spokesmen" of Algeria. Presumably it is only after the policy of pacification has succeeded and elections held that the official spokesmen will be found with whom the French can negotiate—on French terms.

The resolutions of the Socialist Congress are binding upon Party members—both politically and morally. Critics are not allowed to use the "bourgeois" press and are not permitted to express their criticism in the Socialist publications! Non-compliance means temporary or permanent exclusion, as many a Socialist has reason to know. The creation of a free column in the Socialist publications, where all points of view might be aired was proposed at Toulouse, but it was voted down.

Mr. Mollet reminded the Congress that "independence" and "self-determination" are not Socialist solutions, and that in times of conflict the Socialists must choose the more "advanced" system. In the Israel-Egypt conflict, "I chose Ben-Gurion." At the conclusion of his speech, all members of the Congress rose and sang—some with raised fists—the *Internationale*. A fittingly ironic climax.

# The Case of Sgt. Girard

THE REAL tragedy of the Girard Case, which has by now come before the Supreme Court, is that it would never have arisen if the Army had intelligently followed its own written rules and regulations.

When Mrs. Naka Sakai was shot in the back and killed on January 30 by an expended rifle shell fired from a grenade launcher by Army Specialist 3/c William Girard, the problem Girard's company commander, Lt. Carl C. Alligood, had to decide was whether Girard was "in performance of official duty" when the incident occurred. If his act was "in performance of official duty," the Ottawa, Ill., soldier would be tried by an American Army Courts Martial; if it was not, the Japanese would have jurisdiction. This is the criterion contained in Article XVII of our Administrative Agreement with Japan.

There was written guidance from the Army to help Lt. Alligood decide. Information Circular No. 22-1, Eighth Army Rear, dated January, 1956:

> The term "official duty," as used in Article XVII is not meant to include all acts of members of the armed forces and civilian components during periods while they are on duty, but is meant to apply only to acts which are required to be done as a function of those duties which the individuals are performing. Thus, a substantial departure from the acts a person is required to perform usually will indicate an act outside of his "official duty."

The question Lt. Alligood had to determine was whether the act was "required to be done" as a function of his duty.

HOW Lt. Alligood was able to conclude that Girard was "required" to fire a shell at Mrs. Sakai to protect equipment of the firing range is difficult to comprehend since she was 30 yards away and had her back turned toward him, and since live ammunition had been withdrawn earlier in the day because of the danger of injuring Japanese nationals. But in spite of the guidance of the Eighth Army Circular, Alligood signed the certificate on February 7, stating Girard was in performance of official duty, thus claiming American jurisdiction over the case. The Japanese immediately claimed they had "proof to the contrary."

The Girard Case has brought to mind a previous case in Japan where an American MP, while on duty, entered a Japanese house and raped a woman. His Commanding Officer signed the certificate that he was "in performance of official duty." In that case it was so obvious that the regulations had been blatantly misinterpreted that the certificate was withdrawn.

But in the Girard Case the certificate has never been withdrawn, despite the fact that Secretary Wilson and Secretary Dulles on June 4 both described Girard's act as "not authorized." Eventually the United States waived our right to exercise jurisdiction, but we never withdrew our claim that we had jurisdiction.

It was because the United States conceded Girard's duty status that Judge McGarraghy ruled the US could not turn him over to the Japanese. But why has Lieutenant Alligood's original decision, which is in obvious conflict with the Army regulations, never been overruled?

Certainly it must have occurred to someone in the line

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of command between Lt. Alligood and President Eisenhower that the unauthorized firing of a shell at an unarmed woman at a distance of 30 yards, fell considerably outside of the definition of an act "required" to be done by a healthy 21-year-old soldier to protect equipment which was sitting on the ground beside him.

The continued American claim to primary jurisdiction over the case has compounded the confusion and accomplished nothing. Waiving our right to exercise jurisdiction while still claiming that the facts give us primary jurisdiction has made it appear that Girard's rights were bartered off.

# *1774—Status of Forces in Massachusetts*

THE STATIONING of two regiments of occupation troops in the center of Boston in the early months of 1774, after the Boston Tea Party, occasioned anti-British demonstrations among the local population. On March 5, unrest which had been seething for three days, ever since an incident at a rope factory making catwalks for sailing ships had involved workers and troops, flared into an anti-occupation riot.

Snow had fallen during the evening. Crowds were milling about in the area between the customs house and the state house. A barber's boy began to taunt Hugh White, the sentry on duty at the entrance to the customs house. The crowd began to pelt him with snowballs and pieces of ice. Backed into the doorway, White called for reinforcements. Captain Preston, with a corporal and guard of six, moved in and formed a semi-circle around White. The crowd's violence mounted; Sam Gray, ropewalk worker and leader in the previous incident, and Crispus Attucks, a powerful mulatto stevedore, arrived with ready-to-hand weapons which now included cudgels. The rioters pressed in. Someone shouted, "The lobster don't dare fire." In a scuffle, several of the soldiers were knocked flat in the snow. When they got up, they did fire. Three Americans lay dead on the ground, with eight others wounded, two of them fatally.

As citizens ran shouting through the streets: "Town born, turn out, turn out," and as the 29th and the 14th were alerted for action, Lt. Gov. Hutchinson spoke from the statehouse balcony urging order. His known softness for the British made the men in the street reluctant to comply, but a spread of the clash was avoided. The following day, a public meeting that overflowed Faneuil Hall and had to be moved to the Old South Meeting House instructed a citizens' committee of 15, including John Hancock and Sam Adams, to call on the Governor and insist on an end of the occupation; when Hutchinson demurred on the grounds that this could be ordered only by the supreme commander in the North American theatre, General Gage, and then offered to compromise on the removal of one regiment, the delegation insisted that if he had authority enough to move one, he had enough to move two. Looking back on the event years later, John Adams wrote: "That night, the foundation of American independence was laid."

From the statehouse balcony, Hutchinson had publicly promised justice; public interest then centered on the trial of the soldiers for murder. Aware that a fair trial was impossible in the current state of feeling, a postponement of the trial before the Massachusetts Superior Court was arranged until the following October. Affidavits taken from eye-witnesses differed as to whether the soldiers were acting under an order from Capt. Preston; he denied giving one.

In the teeth of public opinion, four prominent lawyers agreed to serve as counsel for the imprisoned soldiers, including John Adams and Josiah Quincy. When Quincy's father remonstrated that their decision was "regarded by many townsmen as little short of a wilful design to screen murderers from justice," his son replied, "I dare affirm that you and this whole people will one day rejoice that I became an advocate for the aforesaid criminals, charged with the murder of our fellow-citizens."

The jury was out two and a half hours. Accepting the reduction of the charge to manslaughter, it brought in a verdict of acquittal for Capt. Preston, and for the soldiers other than the two responsible for the deaths of Gray and Attucks. The two received light sentences. Reporting to General Gage, Governor Hutchinson wrote: "The foreman of the jury had the character of a Son of Liberty but proved an honest man and would not go against his conscience."

But this was the last chance that American juries had to prove their good faith. On May 20, between the arrest and the trial of these members of the Boston occupation army, the British Parliament had passed the "Administration of Justice Act," directed at Massachusetts and giving British troops on occupation duty immunity from trial by local courts. It provided:

> That if any inquisition or indictment shall be found, or if any appeal shall be sued or preferred against any person for murder, or other capital offence, in the province of Massachusetts Bay, and it shall appear by information given upon oath to the governor, or, in his absence, to the lieutenant governor of said province, that the act was committed by a person against whom such inquisition or indictment shall be found, or against whom such appeal shall be sued or preferred as aforesaid . . . if it shall also appear to the satisfaction of the said governor, or lieutenant governor respectively, that an indifferent trial cannot be had within the said province; in that case it shall and may be lawful for the governor or the lieutenant governor to direct, with the advice and consent of the Council, that the inquisition, indictment or appeal shall be laid in some other of his Majesty's colonies, or in Great Britain.

This act and three others promulgated at the same session of Parliament—the Boston Port Act (closing the harbor to commerce), the Massachusetts Government Act (restricting self-government) and the Quartering Act (providing for compensated sequestration of housing for troops and applying throughout the colonies) became known as "the intolerable acts." They exerted a powerful leverage separating the colonies from Britain.

HELEN HILL MILLER

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

# *Trial by Jury—The Southern Argument*

IN THEIR attack on the civil rights bill, Southern members of Congress have armed themselves with a powerful, if misplaced, symbol—the right to trial by jury. The heart of the pending civil rights bill is a provision under which the federal Department of Justice could intervene in behalf of citizens, to prevent violation of their rights, by seeking a court order—that is, an injunction—forbidding the threatened violation, or remedying a violation already committed; enforcement of the court order would be by the traditional method of contempt proceedings.

Opponents of the bill have raised the cry that it would subject citizens to punishment without trial by jury. The cry has undoubted emotional impact, the right to a jury trial in criminal prosecutions and in civil cases at common law being a prime article of American faith. But the purpose of the civil rights bill is not punishment but prevention; and it entails neither criminal prosecution nor a common law suit. It entails what the lawyers call an equity proceeding—an effort to forestall a wrongful act—and juries have never, in England nor in the United States, had any part in equity cases.

It seems to me fruitless to debate this controversy in terms of the motives involved. The effect of adding a jury trial amendment to the civil rights bill would be virtually to nullify the bill, for experience has demonstrated that Southern juries are indisposed to convict white men for denying civil rights to Negroes. But if it was this consideration that prompted introduction of the jury trial amendment, it would nevertheless be foolish to attribute cynicism to all those clamoring for it today. A good many Northerners as well as Southerners have become sincerely convinced that enforcement of the civil rights bill without jury trial would amount to a novel and dangerous shortcut. Their contention had better be examined on its merits.

The principal constitutional right which the civil rights bill aims to protect is the right to vote. There is widespread infringement of this right in the South—sometimes by discriminatory refusal of white voting officials to register Negroes, sometimes by intimidation, sometimes by outright violence at or near the polls. Negroes *could* bring equity suits in Federal courts to have these infringements enjoined. But Negroes are understandably wary about going to courts where white supremacy is the rule. It seems reasonable and logical, therefore, for the United States to go for them to the courts to protect rights guaranteed by the Constitution.

Here is how the procedure would work if the civil rights bill (minus the trial by jury amendment) is adopted. When a voting official refused to register qualified Negro voters or when violence was threatened against Negroes desiring to vote, the Department of Justice would ask a federal judge to enjoin such acts. If, after a suitable hearing, the judge issued an injunction, anyone disobeying it would be in contempt of court, and the judge could fine him or jail him in order to compel compliance.

There is nothing novel about this procedure. As Senator Douglas has pointed out, no fewer than 28 statutes now authorize injunctive relief to the US Government as a method of enforcement. The Fair Labor Standards Act is a good example: violations are dealt with by having the Wage and Hour Administrator obtain an injunction against offenders. If the injunction is respected, no sanctions are necessary. If it is defied, the court imposes sanctions until its order is obeyed.

The power to compel obedience to lawful orders is an inherent attribute of any court. Without it, the courts could not function; their commands would become meaningless, and they could not even assure the maintenance of decorum. This does not mean that court orders can be issued arbitrarily or capriciously or in disregard of the law. Any court order, or any contempt penalty for violation, can be appealed to a higher court and reversed if it is invalid. The proper protection of defendants against judicial abuse of power lies in appellate review, not in jury trial.

The primary justification for resort to injunctions instead of prosecutions under the civil rights bill is that the purpose is to prevent or to remedy infringements of civil rights rather than punish them. Punishment obtained through prosecution, even if juries convict, is of no avail to the citizen who has been deprived of his right to vote. *The only meaningful protection of the right to vote lies in arresting violation of it before Election Day. And the only way to provide this protection in time is through the use of injunctions.*

IT IS something of a curiosity that Southern Senators have suddenly come to look upon federal judges as foreign tyrants. Sen. Richard Russell, for example, has said that the civil rights bill would impose "bayonet rule" on the South. But almost without exception judges of the federal District and Circuit courts are Southern natives, products of Southern culture and selected for their present positions by Southern Senators. One of them, Judge Robert L. Russell of the Fifth Circuit Court of Appeals, is Senator Russell's brother.

It seems unlikely that such men will wield their injunctive and contempt powers oppressively in disregard of the social pattern in which they were reared. Nevertheless, they are more likely than untutored jurors to prevent violations of the Constitution which they are sworn to uphold.

ALAN BARTH

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

# The Superficial Aspect

## Cussing the Court

MORE THAN fifty years ago a North Carolina jurist, his name lamentably lost to fame, uttered an *obiter dictum* memorable for its recognition of substantive justice. "Every defeated litigant," he said, "has a right to proceed from the courthouse, take his stand in the middle of the big road, and cuss the court."

This right, as was to be expected, has been exercised with great energy since last month's batch of Supreme Court decisions, but some of the wrathful have not been content to stand on the highway, which is no trepass. Presumably sane men have promised an effort to impeach the whole Court, and certain members of Congress hitherto conspicuous for their rationality are drafting legislation which they openly avow is designed to vacate the decisions.

Such reactions transcend the disapproval with which men normally look upon what they consider fallacious reasoning. Fury so extreme is provoked only by a sense of personal injury and loss. Yet the trend of the decisions was not toward any deprivation but, on the contrary, toward the restoration to certain persons of rights which had been unjustly denied. This invites speculation. If the individual litigants gained, who lost and exactly what did he lose?

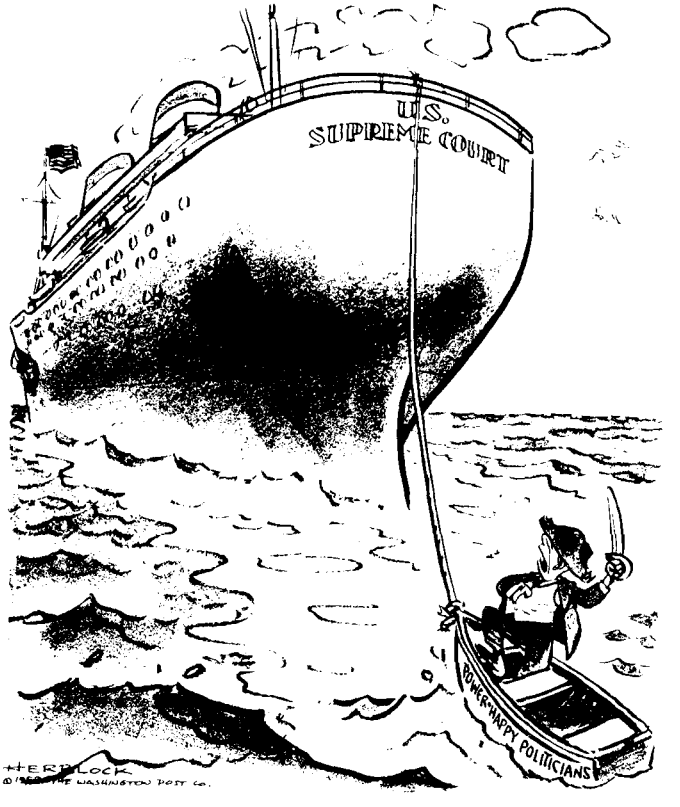
The answer to that should be indicated by considering who is enraged—not merely critical, but enraged. Some careful students of the law—Professor Bernard Schwartz, of New York University, for example—finding no legal flaw in the decisions themselves, are yet critical of the *obiter dicta* accompanying them, especially those of Chief Justice Warren; but such critics feel no great emotional disturbance. The angry men are members of Congress, of the FBI, and of other administrative agencies—holders of political office.

The decisions mean more and harder work for the law-enforcement agencies, so their indignation needs no gloss. But in a less obvious way, they also mean more and harder work for the politicians. The decisions mean that what has been a political bonanza is just about worked out. Not since the Bloody Shirt of John J. Ingalls' day have the politicians had an issue as safe, yet effective, as the Red scare.

Its universality is attested by the fact that it was used to drive from the Senate men as diametrically opposite as the liberal Frank P. Graham of North Carolina, and the conservative Millard E. Tydings of Maryland. Its fraudulence is attested by the same record. When the self-same argument is used against opposite types it is bound to be fraudulent in one case or the other. As a matter of fact it was faked in both cases.

Ingalls stayed in the Senate 18 years on the one issue of keeping Jeff Davis out of the White House. There are men in Congress today who are clinging to their seats on the one issue of keeping Stalin out of the White House. Davis and Stalin both died while the campaign was on, but that did not matter to Ingalls, nor to the modern floggers of a dead horse.

What finished the Bloody Shirt soon after 1890 was the fact that the people began to yawn whenever it was waved. But the Supreme Court has, if not finished, at least damaged the Red scare before the people's yawns had become widely prevalent. Of course the politicians are outraged. If they are deprived of this issue they will have to look around for another, at imminent risk of




"I got a good mind to cut you adrift."

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

picking a live one; and no politician ever forgets the poetaster's mournful quatrain,

> Beneath this mossy stone there lies
> A politician who
> Touched a live issue without gloves,
> And never did come to.

Nevertheless, while their high dudgeon is understandable, in this particular case it may not be justified. It is possible that instead of impeaching the Supreme Court they ought to give it a vote of thanks. For if Mr. Dooley was correct in his observation that the Supreme Court follows the election returns, it is obvious that there may be occasions on which the Supreme Court is a step and a half ahead of the election returns; in which case, instead of sustaining the verdict of the polls, the Court is sustained by it.

In politics nothing is more certain than that the man who begins to bore his constituents is finished, not merely defeated, but obliterated, never to rise again. No other form of disaster is as final, as irretrievable. Being run over by the Supreme Court is nothing, by comparison with being run over by the election returns. If, as many people believe, the Red scare was wearing out anyhow, the tub-thumper who is prevented from sticking to it too long has been done a favor. For he can cuss the Court with impunity, but if he is caught in the campaign with a worn-out issue he is a gone gosling.

GERALD W. JOHNSON

# Moscow's Festival for Youth

## *Is the State Department Justified in Discouraging American Participation?*

### I. The More Contacts the Better

WHAT WE must do, said President Eisenhower last September, "is to widen every possible chink in the Iron Curtain." He went on boldly:

> If we are going to take advantage of the assumption that all people want peace, then the problem is for people to get together and to leap governments—if necessary to evade governments—to work out not one method but thousands of methods by which people can gradually learn a little bit more of each other.

Yet one wide open chink in the Curtain is now being shunned by our government: the World Youth Festival being held in Moscow July 28 to August 11.

The Festival is a rather unique proposition. Young people from all over the world—"irrespective of their convictions"—have been invited to the Soviet capital to participate in a vast array of athletic and artistic competitions and "specialist" conferences (for doctors, lawyers, teachers, stamp collectors, etc.). "No political, ideological or other tendencies will prevail at the Festival," says the official invitation.

For $2 a day participants are supposed to receive food and lodging and their transportation between Moscow and the border of the Soviet Union. On hand are tens of thousands of Soviet youth, including most of those who speak English to serve as interpreters. For the first time since Stalin's fears and suspicions closed Russia off from the world, the doors are opened wide to young non-Communist visitors from the West.

Having recently returned from a trip to the Soviet Union where students repeatedly asked me whether there would be a big delegation of Americans at the Festival, I met with five officials of our State Department to discuss whether there should be such a delegation. They said that while the Department is not denying a passport to anyone who wants to go, its position is that the Festival is "an instrument of Communist propaganda which serves the purposes of the Soviet Union and its orbit." Accordingly, the Department had "strongly urged" Barbara Perry, a 22-year-old would-be ballerina from the University of Chicago, not to try to organize American participation.

Barbara Perry had been excited by the President's speech on people-to-people contact last fall. Soon afterwards she saw a Russian ballet film which had a short about the forthcoming Festival. This seemed one possible way "for people to get together," so she wrote

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the Russians asking for information. Having worked for Youth for Eisenhower and cast her first vote as a Republican, she also wrote to Secretary Dulles. The State Department's response disheartened her, but as a Modern Republican she went ahead, following her President's advice "to leap governments."

With the support of a few friends, she sent ads to some 125 college and university papers. She says all but six ran them. From the widespread response she hoped to fill the 100 spaces she reserved on two Scandinavian Airline planes—total cost of the trip, $695.97. Most of the papers that returned her ad suggested that she send it to the *Daily Worker*.

To testify to her loyalty she states in her literature and on the application form, which a would-be participant must sign, that the US Youth Festival Committee "is in no way connected with, nor will it accept support from any Communist or left-wing group or individual."

"We do not hope to change the world," she writes, "But we do hope to help a little." The State Department officers who met with me did their best to throw cold water on these hopes.

"The reason we are against Americans going," said the first officer who spoke, "is that their pictures would be taken smiling with Russians, and then spread all over the world to show that we approve of what Russia did in Hungary."

Since some Americans such as Miss Perry would be in attendance, the obvious question was whether the Russians wouldn't be able to take their pictures anyway.

"They won't get as *many* pictures," he countered.

"The reason we are against participation," said another officer, "is that the Festival will be stacked against us. If it was democratically set up so that every side would have its say, we would be in favor of going. But this is under Communist auspices."

"From past experience at these Festivals," the Department officer continued, "we can expect the Communists to push through resolutions on their various political lines. They might try to have the Festival endorse Soviet peace plans or even the intervention in Hungary."

However, another officer felt that at this Festival the Communists would be wary of politics for fear of corrupting Soviet youth with the seeds of "revisionism." The atmosphere would be one of camaraderie—"folk dances in the street, new-found friendships"—which "might sweep young Americans off their feet."

WHY the Festival atmosphere would not work both ways, and sweep some young Communists off their dogmas, was not clear. Here would be one occasion when close contacts with Westerners are sanctioned. The very numbers involved—a predicted 30,000 foreigners—will make surveillance difficult. I argued that it was hard to imagine a more favorable circumstance at present for talking privately with young, English-speaking Russians. Anyway, why should we fear that in a meeting between American and Soviet youth held on Russian soil Americans would be swept off their feet?

A fourth officer disposed of my arguments more easily: "This show is costing the Soviets a tremendous amount of money, therefore it is obviously important to them that it succeed." Therefore, he held, "it is obviously not to our interest to help them succeed."

"Anyway," one of the officials said, "the Russians probably wouldn't let a big and really representative American delegation in, even if the Department had encouraged it."

This we will now probably never know, for the Department has taken its position and presumably will not be swayed.

My impatience with the negative approach illustrated by these State Department arguments stems from recent experiences with Soviet youth and from the recollection of a similar lost opportunity which I witnessed at the

## FACTS ABOUT THE FESTIVAL

The Sixth World Festival of Youth and Students scheduled for July 28 to August 11 in Moscow is the latest in a series of Festivals inaugurated in 1947 and sponsored every two years since then by the two international Communist-front organizations in the youth and student field—the World Federation of Democratic Youth (WFDY) and the International Union of Students (IUS). (Past Festivals were: Prague—1947, Budapest—1949, East Berlin—1951, Bucharest—1953 and Warsaw—1955.)

According to Soviet predictions some 30,000 students and youth from outside the USSR are expected. Although the bulk of these will be from other orbit countries and some Western European nations, the greatest Soviet effort is being exerted toward the uncommitted areas. To this end the usual "solidarity fund," ostensibly raised from youth all over the world but actually a Soviet government and local CP fund, is being utilized to cover transportation costs of students in Asia, Africa, the Middle East and Latin America.

It is estimated that about $20 million was spent on the Warsaw Festival in 1955 and at least that amount is being poured into the Moscow event. In terms of construction activities alone the effort has been stupendous: one stadium seating more than 100,000 people, another with a capacity of 16,000, a sports center for 11,000 and a swimming pool for 13,000. Additional millions will go for travel, housing and entertainment expenses.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

first World Youth Festival in Prague in the summer of 1947.

Soviet young people I met at universities in Tashkent, Samarkand, Moscow and Leningrad this February while traveling with Chester Bowles were clearly in a state of intellectual ferment. They were questioning basic Marxian premises, such as the analysis of the class struggle in the West. Above all they were eager for contact with the West, particularly with Americans.

BY going to the Festival in large and representative numbers, by putting on a good exhibit with books and films and pictures, we could contribute to the ferment among Soviet youth. Instead, there is likely to be a makeshift American exhibit and a small, motley delegation. A month before her delegation was to leave, Barbara Perry could only count on 40 Americans, including "dancers, photographers, an economist, three teachers, and a nurse."

In Prague in 1947 this is substantially what happened. The State Department then discouraged American attendance and gave no help in arranging an American exhibit. As a result, among the 17,000 young people who came from all over the world there were only about a hundred Americans, and these included a number of Communists and fellow travelers.

The amateurish American exhibit stood in sharp contrast to the elaborate Soviet showrooms towering over it. When the youth from all over the world entered the American exhibit they saw a picture of a black man strung to a tree, with the caption:

*Since V-J Day 70 Negroes Were Lynched in the US.*

Let us assume the Moscow Festival is stacked in favor of Communism. If we wait to go to Russia until things are democratically set up there, we may have to wait until Khrushchev's shrimp learns to whistle. To be sure, the Festival is sponsored by the Communist-dominated World Federation of Democratic Youth. But everything in the Soviet Union is run by the Communist Party or by the government.

So what? The important fact is that within this Communist society all is not forever settled. Changes have occurred and will occur—hopefully in the direction of greater freedom both within the Soviet Union and inside other nations allied to the Communist bloc. The demotion this month of such Stalinists as Molotov and Kaganovitch is only one more sign that the future internal developments of the USSR are unpredictable and not necessarily bad from our democratic viewpoint. This is the moment for sounding out the Russians, for probing at first hand the extent and significance of changes—and *not* for a fearful pulling back from such contacts as the Russians allow.

Perhaps we should have done more to help Hungary, but it does not help the Hungarians for us now to discourage the conditions which made the revolt in Eastern Europe possible. As Cardinal Wyszynski has been saying ever since his release from confinement, the condition for the freedom of Poland—and, we may add, of Eastern Europe—is peace.

After the explosions of Hungary and Poland the Kremlin must be well aware of where the thaw in Stalinism and in the Cold War can lead. There must still be Soviet officials in high places who will oppose any further relaxation. By now they know that every taste the Russian or satellite people get of a freer life only whets their appetite for more.

We can help to promote this change, and our understanding of it, by going through their curtain whenever they open it. It is quite possible that Khrushchev would not let in a large and representative delegation from the major American universities. But instead of calling his bluff, we are letting him call Eisenhower's.

It seems to me time to take the advice Jan Masaryk gave for Americans in 1947 when he talked to me about his disappointment in our performance at the first World Youth Festival.

> I had hoped this Festival would be like a great baseball game, and I could act as umpire [he said]. Instead your State Department discouraged attendance of America's youth leaders, and you only had a sorry little team of fellow-travelers which made America look silly . . .
>
> America could have taken this Festival by storm if it had just sent Rita Hayworth, a jazz band—and the spirit of Abraham Lincoln.

HARRIS WOFFORD, JR.

MR. WOFFORD *is an attorney and lawyer practicing in Washington, D. C. He and his wife are co-authors of the book* India Afire.

## II. The Department Is Right

THE bi-annual cry to dispatch a United States delegation to the Communist World Festival of Youth and Students for Peace and Freedom has been raised this year by a young ballet dancer, Barbara Perry. Miss Perry has been aided in her campaign to send young people to Moscow for this most spectacular Festival of all time by her ability to offer a round trip Festival package at the conveniently low rate of $695, and by the offer of the Soviet Embassy to issue quick special visas to members of her group.

A self-styled Modern Republican with the associated Madison Avenue skills, she got her campaign going

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

early this year with a letter to John Foster Dulles requesting State Department recognition and support of her as yet unorganized group. The Secretary in turn suggested the Festival would be largely a Communist propaganda show. Professing hurt and bewilderment at this reply, Barbara called in the press and got initially favorable coverage for her valiant efforts to break through the Iron Curtain and finesse the State Department at the same time.

Few accounts mentioned her association with the pro-Soviet Chicago Council of American-Soviet Friendship, an interest which antedates her Volunteers for Eisenhower period.

Her story received immediate and wide attention from Radio Moscow and in the five language Festival newspapers since. The stories conveniently served the current Soviet theme that thousands of Americans want to attend the Festival but are prevented from doing so by the State Department. By concentrating publicity on Miss Perry's efforts, the Communists obscured the fact that the two most representative youth and student organizations in this country—the Young Adult Council (YAC) and the United States National Student Association (USNSA)—have boycotted this and other Festivals, and for very good reasons.

THE argument for participation boils down to this: Isn't it a mistake to let the Festival occur without sending over some bright young Americans who can rebutt the Communist line, offer an alternative to Communist apologetics to the uncommitted delegates from Asia and Africa and further the intellectual ferment of youth and students behind the Iron Curtain? This could be a compelling position except for certain realistic considerations.

The essential and regrettable fact is that the Moscow Festival like all its predecessors is nothing more than a calculated propaganda effort against this country which will succeed all the more if large numbers of Americans are involved. Their presence will give credence to the resolutions adopted in Moscow. To illustrate, in 1947 and 1949 the pitch was anti-Fascism; then came the 1951 and 1953 resolutions on United States aggression and germ warfare in Korea. The 1955 note was peaceful co-existence, Soviet version.

The Festival is already heralded by the Soviet Government as a giant manifestation of the struggle for Soviet-style peace waged by the world's youth. This theme, along with peaceful co-existence, the dangers of Western nuclear tests and denunciations of "Western imperialism," will be the Soviet yield from its $20 million plus investment. No American delegation, however large, will be able to alter the program or its propaganda intent.

Pro-Festival advocates such as Mr. Wofford also ignore the fact that American groups are not alone in opposing participation. Leading student and youth organizations in Ghana and India, other parts of Asia and Africa, Latin America and most of Western Europe are boycotting the Moscow jamboree. These groups realize that their countries are target areas for Soviet penetration. They realize the Russians hope to recruit young people at the Festival for Communist Party activity and subversion back home. Endorsement of or attendance at the Festival by responsible American youth groups or a substantial non-representative American group would undercut the efforts of these young leaders of other nations to discourage attendance from their own countries.

Perhaps the most inaccurate implication of the pro-Festival argument, however, is that the Festival is the only way to reach the students and youth of the world, particularly those behind the Iron Curtain. This just is not true. If anything the Festival is about the worst place to achieve any long-term gains in understanding. Who comes to the Festival anyway? From outside the Curtain, mostly Communist functionaries and sympathizers who are being rewarded by the Russians or student tourists out for a free ride.

As far as the Iron Curtain countries go, it would be naïve to expect few in delegations other than the most trusted party faithful, including a group of Kadar stooges. Student leaders of the Hungarian revolt I have met think American participation only would solidify the hold of the Communist Party organizations by giving them added respectability. They also are sure that little effect can be had by Americans on Iron Curtain delegates.

Instead of working in the Festival atmosphere, USNSA and YAC have found people to people understanding comes through long-term student and youth exchanges and the continual opportunities for international cooperation which exist in the non-partisan International Student Conference and the World Assembly of Youth.

CONTACT has not been lost behind the Curtain either. In 1955 USNSA proposed an academic exchange program to the Committee of Soviet Youth Organizations. Though this initial offer was refused by the Russians, negotiations are being kept open by USNSA. Considering that American participation in the Festival only lends respectability and credence to a massive Soviet Government propaganda, the less dramatic long-term programs seem to me to offer a more substantial contribution to world understanding than does the Festival.

HARRY H. LUNN, JR.

MR. LUNN, *former president of the US National Student Association, 1954-'55 and ex-editor of the* Michigan Daily, *1953-'54, travelled in Asia in 1955-'56 for NSA.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

# BOOKS & COMMENT

## *Nuclear Weapons and Foreign Policy*

## II—Limited Annihilation?

*by James E. King, Jr.*

HENRY A. KISSINGER has made a persuasive case that the United States needs a strategic doctrine for limited war. ". . . The crucial problem of strategy," he says,

> is the relationship between power and the willingness to use it, between the physical and the psychological components of national policy. Faced with the knowledge of the consequences of a thermonuclear war, policy-makers will be reluctant to engage in a strategy, the penalty for which may well be social disintegration. . . . Limited war and the diplomacy appropriate to it provide a means of escape from the sterility of the quest for absolute peace which paralyzes by the vagueness of its hopes, and of the search for absolute victory which paralyzes by the vastness of its consequences.

The kind of limited war he proposes that we commit ourselves to fight, against opponents armed with nuclear weapons or who enjoy "vast resources of manpower which are difficult to overcome with conventional technology" (he concedes that against other opponents the use of nuclear weapons "may not always be the wisest course"), is limited *nuclear* war. Those of us who have proposed that war be limited, even between nuclear powers, in important part but not exclusively by eliminating the *use* of nuclear weapons—reserving our nuclear capability to deter the other side from using its nuclear weapons—have done so in general for two reasons. First, given the comparative ease with which the employment of nuclear force can be increased (by using "bigger" weapons, extending attack to additional classes of targets, and enlarging the area of action), we have argued that limits of nuclear war will be exceedingly difficult to observe, even when both sides are anxious to observe them. In contrast, the dividing line between nuclear and non-nuclear conflict, marked by the presence or absence of mushroom clouds, radiation, and other familiar indications of nuclear explosion, provides a uniquely unambiguous boundary. Second, we have questioned the suitability of nuclear weapons in nearly all the foreseeable contingencies that might require limited military action on our part, mainly because of the tremendous destruction of the civilian population and facilities that would be incidental to their military employment. Kissinger fairly states these points, and undertakes to answer them.

*Nuclear Weapons and Foreign Policy,* by Henry A. Kissinger (Harper; $5)

He does not assert that the use of nuclear weapons is inevitable, though he observes that "the entire planning, procurement, research and development of our defense establishment is built around" them. Also he notes that in the nuclear age "war between nuclear powers has to be planned on the assumption that it is likely to be nuclear war." But it is likewise true that such a war has to be planned on the assumption that it is "likely to be" *unlimited,* which is apparently the common opinion, reflected in Mr. Charles A. Wilson's remark: "I don't think there is going to be any little war between the Russians and the Americans." In both cases the critical questions are: how likely, and can anything be done to decrease the likelihood? And, as for the first observation, Kissinger exaggerates. Nuclear weapons receive more publicity, not only because of their novelty, but also because nuclear attack is what we fear; therefore evidence that they are preparing effective retaliation for nuclear attack, which is the only defense the public has yet been taught to have confidence in, is the defense services' best claim on public and Congressional favor.

Actually, all the services, with the exception of the most perfervid air force advocates of thermonuclear annihilation, recognize that a "nuclear" war, if it is *not* a war of thermonuclear annihilation, will be fought mainly with *conventional* weapons. Their problem is to devise the tactics, and to develop the necessary equipment, that will enable them to marry nuclear weapons, which are what they call "weapons of opportunity" (meaning that they can only be used when the conditions are just right) with the conventional action that must be the sustaining program of the battlefield. Kissinger is scornful of what he regards as a tendency to add nuclear weapons to essentially conventional forces as though they are just more effective artillery, and he would be justified in his scorn if this were, in fact, what is being done. It is not. There is certainly little residual blindness to the revolution the presence of nuclear weapons will effect upon the battlefield, whether or not they are actually in use. But the various models of more open warfare that are conceivable, together with the weapons systems and other equipment that go with them, do not differ nearly as much from conventional warfare in its more fluid phases as Kissinger supposes. Moreover, models of very nearly static nuclear warfare are also possible, because the earth itself is the best protection from nuclear blasts and radiation, and these probably would not differ as much in principle as in scale from the most murderous phases of conventional trench warfare.

I HAVE noted that Kissinger does not rest his case on the inevitability of nuclear weapons employment, but he does argue that the advantages to the belligerent who takes the initiative in shifting abruptly from conventional to nuclear combat are so decided that we could never be sure of limited war remaining conventional. For this reason our nuclear capability must always be ready for instantaneous use, and this means that "each side will constantly be tempted to anticipate its opponent in the first use of nuclear weapons."

The argument counts heavily upon Kissinger's own model of limited nuclear war and the fact that he contrasts

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

it with conventional combat of the most ponderous sort. This is what enables him to say that it is when we are actually engaged in conventional combat that we are most vulnerable to nuclear attack. The argument is open to question, not only because the contrast between nuclear and conventional combat is overdrawn, but also because it is difficult to believe that the advantages the aggressor would derive from his shift to nuclear tactics after his opponent is mobilized and alert would compare with the advantage he could have gained by an overwhelming surprise attack with nuclear weapons in the first place. It is a basic premise of the theory of limited war that fear of "all-out" thermonuclear war is what sets bounds to military action: Kissinger is insistent that limited war is impossible if the conduct of war is determined by "purely military" considerations. Presumably an initial surprise attack with nuclear weapons is a *bad* risk because its preoccupation with "purely military" advantage precludes timely definition of the limits of the ensuing action. It is not clear, however, why the same principle would not apply to the surprise shift from conventional limited action to nuclear combat.

TURNING to the contrast between limited conventional action and limited *nuclear* action, Kissinger always treats the former as though his models were World War I or the static phases of World War II and the Korean War—ignoring all of history in which conventional warfare was open and fluid, from Marlborough through Lee and Jackson to George Patton. This enables him to say that the correct analogy for limited *nuclear* war is not conventional tactics but naval warfare. In his imaginative model of nuclear ground tactics the combat units must be "small, highly mobile, and self-contained . . . relying largely on air transport even within the combat zone." These units will sally forth from their bases, like naval task forces, to engage the invader and prevent him from consolidating his territorial gains. Because they are small, they make no great demands upon a nation's manpower. Because they are self-contained, as they must be in order to be mobile, they require little or no re-supply. For both reasons they will not have to use the communications and transportation facilities of the society within whose territory the conflict occurs, hence cities will not be "military" targets as in past wars.

Kissinger is greatly exercised, as he should be, about the unsatisfactory state of our defenses in Western Europe. He points out that reliance upon "massive retaliation" to deter Communist attack gives our allies there no urgent reason to exert themselves to support conventional ground forces. At the same time, the resulting weakness of local defenses invites incursions skillfully designed so as not to justify probably suicidal defense in total war. He believes that the answer lies neither in a NATO "trip wire" force to trigger our massive retaliation (if this is all we need he says we could deploy the bulk of our own forces now in Europe elsewhere to better strategic advantage), nor in a conventional ground defense (because it imposes burdens neither we nor our allies are disposed to assume, would result in widespread devastation, and probably would soon shift to nuclear conflict anyway, under conditions most unfavorable to us), but in his limited nuclear ground defense. He recognizes that this proposal seems to many Europeans the same as asking them to give up the terrifying but blessedly unlikely prospect of general annihilation, in which they would be included along with the Americans and Russians, for the equally terrifying prospect of annihilation "limited" to their territories, not nearly so unlikely, to their way of thinking, precisely because Americans and Russians would *not* be included.

He says that the Europeans have every right to fear the devastation incident to a conventional defense that would demand massed troops to man a defensive "line." The "line" is, in fact, his *bete noire,* and he has designed his nuclear tactics to eliminate the line. But he makes at least two insupportable assumptions, without which his model falls down. One is that numbers do not count in nuclear ground tactics. The other is that the tactics would be so fluid that battle contacts would be intermittent.

IN THE matter of numbers, while it may be true that the nuclear combat "units should be small, because with nuclear weapons firepower does not depend upon number," this says nothing about *the number of such units;* also it is well to inquire just how small they would be. If we examine these units, we see that a reasonable form would be a nucleus containing the "modern weapons" firepower, command, communications, and local security elements, protected by a long perimeter of screening forces. Even if there is only one nuclear weapons team (say one Honest John rocket launcher) there will still be some minimum number of men required to provide the various elements of the unit. The area occupied will be large, in order to give the nucleus room to move and to hide, and so that not more than one unit would be lost in attack by a single nuclear weapon, but this means that considerable numbers of men and vehicles will be required to man the perimeter of the battle area. Also, and this is the reason (for this model at least) why action on the nuclear battlefield will still be mainly *conventional:* the perimeter forces will be conventionally armed.

If there were no such forces, one soldier with a walky-talky could seek out the nuclear enemy force and destroy it (by calling down a nuclear warhead from the rear). That soldier must be opposed with a rifle. He will return with a squad or platoon, probably in tanks, which must also be opposed with conventional weapons. Not until the probing force approaches at least company size does it become a nuclear target.

THE combat unit, then, would be comparatively small (the usual analogy in familiar organization is the battalion). But this does not mean that there would be no advantage in having superior numbers of them. Quite the contrary. Two (or more) on one is a rule that would apply as well to the nuclear battlefield as to any other. The side that has more units can afford to lose more of them, and can oftener deploy them in multiples against the enemy. So long as this does not lead to "massing," there is nothing in the presence of nuclear weapons that will limit their numbers. A quick and dirty calculation will show that even if 100 sq. miles are allowed each unit, 500 of them could easily be deployed in Central Europe. This suggests that if space is our only limit the combined forces of both sides could well amount to several millions (including reserves and logistics elements). The total could thus be far less

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

than during World War II but far greater than Kissinger appears to allow for.

Nor would tactics limit the numbers, as the author seems to assume. The hit-or-miss tactics of intermittent contact and disengagement that he pictures on the analogy of naval warfare might conceivably be advantageous to a side sharply inferior to its opponent, and for this reason compelled to depend upon getting the breaks to survive. But to a battlefield commander intelligence is only less important than his forces, and "meeting engagements" are unpopular just because they leave too much to chance. Almost certainly the preferred tactics would be to "snuggle-up" to the opposing task force, to keep it under constant surveillance and thus minimize the chance of accidental exposure to its fire, while probing constantly to locate *its* nucleus for destruction.

ONE must conclude, then, even if the general outlines of Kissinger's nuclear model are accepted, that though there would be no "line" of trenches or foxholes, there would be a front, more or less permeable and fluid as gaps are first made by nuclear attack and are then penetrated, but a front nevertheless, and, after all, only another kind of "line."

Also, it must be concluded that forces on both sides will tend to increase, as long as the increase can be supported, because the side that has the larger number of combat units has a clear advantage. Finally, and this is the critical conclusion, the prospect does not promise immunity to society and its facilities. On the contrary, sizeable opposing forces nervously trying to get in the first effective nuclear blow will use far more nuclear weapons than the one-per-battle unit theoretically necessary to do the job if all hit their marks, and civilian facilities and centers will be used because using them will enable both sides to increase their forces. What *will* tend to limit the number of forces employed is probably now apparent: not space, not tactics, but the ability to maintain resupply *when supply lines are subject to interdiction with nuclear weapons.*

This is just what Kissinger has argued will not be the case. But he has supported his argument by conjuring away the logistics burden with the magic of words. He says, for example, that "the amount of ammunition required for conventional weapons would present almost insuperable logistic problems for nuclear warfare"—but he has not shown how nuclear warfare could be fought without conventional weapons. He says also that military equipment must be much reduced in "bulkiness" and that a substitute must be found for the internal combustion engine "whose demands for fuel and maintenance severely limit the range and staying power of mobile units." He seems, in short, to count upon the technological revolution eventually making his tactics possible. But the theory of limited war is for application here and now, and it is now that the NATO problem demands solution. Surely he is not asking the German people to believe that they would be spared destruction in limited nuclear war because, *if and when it is possible to abolish the logistics burden,* there will *then* be no military reason for them to be attacked in such a war.

There are a number of parts to the case for limited nuclear war that I have not mentioned. I find his discussion of the role of air power if anything more unsatisfactory than his model of ground tactics. He contrives to remove the danger of air attack on cities by assuming that the only reason for this danger, granted that they have no military logistics role, is their proximity to airfields which, he says, in a few years will be rendered obsolete by missiles and vertical takeoff aircraft. He then says that an air supremacy battle would be ruled out because the deep penetrations of enemy territory that would be required would risk "all-out war." Yet he believes that his mobile units would move mostly by air, even making in this fashion deep penetrations of enemy territory. The picture seems incomplete if not contradictory.

THROUGHOUT the book it is implied, and in several chapters argued explicitly, that we should adopt limited *nuclear* war (in contrast to limited conventional war) as a deliberate policy in the critical cases when our opponent is a nuclear power or one possessed of "vast resources of manpower" *because it is to our advantage to do so.* The reason given is, in part, that it will enable us to make the best possible use of our more diverse and more massive industrial potential. But even greater reliance is placed on the assumption that the nature of our free society, which encourages initiative and imagination more than do the monolithic social structures of Russia and Communist China, means that we are capable of adapting ourselves more successfully to the nuclear battlefield.

Both these assumptions may well be true, but can we be sure, considering the single-minded devotion of the Russian and Chinese regimes to preparation for war, and their past success in adapting their resources and their skills to the challenges of battle? And even if their handicaps cannot wholly be overcome, does this leave us with enough of an edge to justify our advanced commitment to nuclear war if that commitment is not inescapable or otherwise advantageous?

I HAVE taken issue with what seem to me serious inadequacies of the Kissinger analysis. But this is to quarrel with an application, not with the brilliantly developed theory of limited war and its place in national strategy that is the substance of the work. The practical difficulties of limiting war (nuclear or non-nuclear) are great in any case. I cannot agree that the difficulty of limitation to conventional weapons is greater than the difficulty of limiting *nuclear* war, merely because the possibility of converting the former into nuclear war exists. Neither would I deny the possibility of limiting nuclear war, though I do think it a far poorer risk. But mainly I question the appropriateness of limited nuclear war in the actual contingencies for which we need to be prepared. It *may* be possible, for example, to limit nuclear war to such an extent that Germany and Poland would not be destroyed in a "tactical" nuclear defense of Western Europe. But a satisfactory limitation of nuclear war cannot be achieved, because of the nature of nuclear ground tactics, merely by eliminating the "strategic" delivery of H-Bombs. And if further limits must be imposed on war by formal or tacit agreement, to insure society's survival, the advantage of the firm boundary between conventional and nuclear weapons, to give unambiguous definition to these limits, is not one that can be lightly abandoned.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

# *Some American Eccentrics*

## *by Donald Malcolm*

MOST OF us, who make use of our liberty chiefly to do what public opinion encourages us to do, owe a debt of gratitude to eccentrics. They keep alive for us the most important freedom of all, the freedom to make use of our freedom. That is why it is important, when arguing in defense of the eccentric, to make it clear that his value is not contingent on his discovering the law of universal gravitation or proving that the world is round, but simply on his being different. Consequently, Irving Wallace is to be congratulated on the assortment of cranks he has selected for treatment in *The Square Pegs*. Not one of them, with the possible exception of Miss Delia Bacon, who first set the fashion of disputing Shakespeare's authorship, can be said to have made an enduring contribution to history. They are simply good eccentrics, and like all good eccentrics, they strongly hint at the unexplored possibilities of life.

*The Square Pegs*, by Irving Wallace (Knopf; $5).

Consider, for example, Joshua Abraham Norton, who attempted to corner the San Francisco rice market in 1853, failed, and was forced to declare himself a bankrupt. Where a lesser man might have attempted to work his way back to prosperity and prominence, Mr. Norton simply cast about for a line of work in which the competition was less stiff. His choice would have done credit to Napoleon; he declared himself Emperor of the United States. "We do hereby abolish Congress," he declared in a proclamation published in the *San Francisco Bulletin*, "and it is hereby abolished." With Congress seen to, he turned his attention to the Imperial finances, attempting to negotiate loans of several hundred million dollars from his former associates but always willing to accept somewhat less—a quarter or fifty cents. He was granted free passage on the city's streetcars, as befitted his rank, and when he made it known that "I, Norton I . . . have heard serious complaints from our adherents and all that our imperial wardrobe is a national disgrace," the city promptly provided its monarch with a new uniform. Whenever he managed to wrest himself away from the problems of Empire long enough to appear at the theatre, the audience rose respectfully until he had taken his seat, and when he died, ten thousand grief-stricken subjects followed his rosewood casket to the grave. From this it should be clear to the most outer-directed reader that there are worse things in life than an inner-misdirected personality.

Of course, not every would-be Emperor was as fortunate as Norton I. Timothy Dexter, for instance, a rich and fantastic old merchant of Newburyport, Massachusetts, hinted broadly in 1802 that he would not refuse the mantle if his countrymen chose to press it upon him. But no one, apparently, took the hint, and Dexter was constrained to settle for less:

> Ime the first Lord in the younited States of A mercary Now of Newburyport it is the voise of the peopel and I cant Help it and so Let it goue Now as I must be Lord there will foller many more Lords pretty soune for it dont hurt A Cat. . . .

Thus begins Dexter's major literary effort, *A Pickle for the Knowing Ones*, which is remarkable chiefly for its free-hand spelling and for its prose, which comes in one long piece, without a seam or joint in it anywhere. When someone complained that he had neglected to supply anything in the way of punctuation, Dexter added one more page to his book. This provided all the punctuation a reasonable person could require—row upon row of commas, periods, colons, question marks, semi-colons and exclamation points. "I put in A nuf here," Dexter observed sourly, and his readers could "peper and solt it as they please."

The remaining half-dozen eccentrics in Mr. Wallace's assortment are every bit as flavorful as these two. There is Baron James A. Harden-Hickey, who found and appropriated an island that had not yet been claimed by any nation, but who met with bitter disappointment when he tried to go into the nation business on his own. There is Wilbur Glenn Voliva, who believed the world was flat and offered $5,000 to anyone who could prove to his satisfaction that this was not the case. A contrary view is represented by John Cleves Symmes, who persuaded a good many people in the early 19th Century, including several members of Congress, that the world was hollow and habitable on the inside. Then there is the wonderful Victoria Woodhull, who preached free love, practiced it, and ran for President against U. S. Grant, and there is Delia Bacon who had it in for the Bard. And, finally, there is Anne Royal, a lady editor who once gained an exclusive interview with President John Quincy Adams by sitting on his clothes while the Chief Executive was swimming nude in the Potomac.

All these charming people receive full and sympathetic treatment at Mr. Wallace's hands, but it does seem to me that he is mistaken in trying to justify their quirks on grounds of social utility. "A Delia Bacon," he says, "can remind us that the libraries of scholarship, even if tidy and already filled, must always allow room for one more investigation, no matter how disorderly"—but surely nine out of ten doctoral theses can do the same. And with an Elvis Presley in our midst, we do not require a Timothy Dexter to "remind us that public hearing and attention need not be the private prerogative of the formally educated and the well bred." Mr. Wallace was much closer to the mark, I think, when he quoted this passage from John Stuart Mill's *On Liberty*:

> Eccentricity has always abounded when and where strength of character

THOMAS MANN...

*The World as Will and Representation*
By FRITZ KAUFMANN

First authoritative study of the philosophy of Mann as a formative element of his creative artistry.
$6.00

"A searching study of Thomas Mann's thought. Dr. Kaufmann did justice to his irony, his humor, his skill in parody. . . ." *Albert Guérard*

BEACON PRESS — BEACON HILL, BOSTON

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

has abounded; and the amount of eccentricity in a society has been proportional to the amount of genius, mental vigor, and moral courage it contained.

The eccentric, in consequence, must be tolerated for his own sweet sake; he is to society what a cold nose is to a dog, a sign of health.

# *The Peaks of Literature*

## *by Ivor Brown*

THERE are two kinds of literary criticism; the one is ample and reflective, running to the length of an hour's lecture and a considerable essay when printed: its purpose is to consider the principles of an art. The other, which many people would call reviewing, is the newspaper article, shorter and more directly aimed at the casual, even the impatient, reader who wants immediate information about the products of the day. The two species demand different styles of writing and even different temperaments in the reviewer. The newspaperman knows that he must make a prompt effect and he knows also the dangerous truth that his readers will prefer a short praise, and even more a sharp dismissal, to a carefully balanced and fully stated valuation.

*The Fine Art of Reading*, by Lord David Cecil (Bobbs Merrill; $5).

Lord David Cecil writes with space and ease and with no compulsion of journalistic urgency. He is incapable of surrender to snap judgments and eye-catching aphorisms. Nor is he ever tempted to the slick denigration which is the curse of the journalist. One could never imagine him thinking of "a good thing" and then shaping his critique in order to drag it in. He writes with his own fine art about reading as a fine art and, for the public that cares for more than an easy laugh at a clever crack, he must surely himself be immensely readable.

He is, as is clear from the first essay in this book, not the academic student, pursuing aesthetic theories; he is, quite simply, an addict of happiness. "The primary object of a student of literature," he says, "is to be delighted." To achieve this pleasure we must "see the work as it is."

How easily do we allow our sympathies to narrow our reading and to destroy delight. As a boy with radical companions I remember being warned off authors on political grounds. They were reactionary. They were Imperialist. Therefore they were not to be read. Others were dismissed as narrow and Puritanical, useless to free-thinking youth. Here is Lord David's retort. Having said that joy in G. M. Hopkins "bold splendor of verbal invention" should not preclude relish of more delicate verbal felicity, he adds, "The Puritan will recoil instinctively from Sterne, the pacifist from Kipling, the man of faith from Gibbon, the infidel from Bunyan. Yet Hopkins and Bridges, Bunyan and Gibbon, Kipling and Sterne are all in their different manners and degrees genuine artists." The fine art of reading, in short, is not exclusive.

In subsequent pieces Lord David shows the range of his affections. He considers the comedies of Shakespeare and explores with freshness a ground trodden bare by a thousand less percipient pundits. It is one of his wise observations that

> . . . it is easier to find an analogy to Shakespeare's comedies in musical compositions than in classical comedy proper. Shakespeare the comedian is closer to Mozart than to Molière: and his descendants today are not the authors of drawing-room comedy but of operetta. In type, if not in quality, *Twelfth Night* has more in common with *The Merry Widow* than with *You Never Can Tell.*

There is a beautiful comment, too, on the dying fall of *Twelfth Night* when Feste ends the lyrical-farcical episodes with his ditty of the wind and the rain, this "little, shivering, penny-whistle song," reminding us how fragile and fictitious is the Illyrian world of fancy-free. So, when the play is done, the moonshine vanishes, the clouds invade, we must go out into rough weather. "Thus, in a snatch of street-song, Shakespeare says goodbye to us: and good-bye as well to the golden summer of his comedies." The wind and rain were coming indeed, with tornados and cataracts upon the blasted heath of the Shakespearean tragedies to follow.

THERE is special attention in this volume to familiar delights, Walter Pater's dedication to beauty, Jane Austen's comedy, Joseph Conrad's narrative method, to Walter De La Mare's stories in prose. There is also championship of the Jacobean dramatist John Ford who wrote of mortal sins and catastrophic dooms and yet, having "a strange, subtle, and tender spirit" saw in Man's Fall the sadness of the dying year.

"We needs must love the highest when we see it," wrote Tennyson, and for Lord David the peaks of literature are widely spread: some sheer in rock, others softly fantastical in misty outline, "like far-off mountains turned into cloud."

BULK RATES ON TWO REPRINTS

*Communist China—*
*A Special Report*

$ 0.25 ..... *single copy*
2.00 ..... *10 copies*
4.50 ..... *25 copies*
15.00 ..... *100 copies*

*Robert Osborn's Showing of Presidential Summer Fashions*

$0.25 ..... *4 copies*
$1.00 ..... *20 copies*

*Order today from*
THE NEW REPUBLIC
1244 19th Street, N.W.
Washington 6, D. C.

### Notes on Contributors

JAMES E. KING, JR., has been engaged in research on military problems with the Johns Hopkins University Operations Office since 1952. IVOR BROWN is a British novelist and critic. PHILIP ROTH is on the English faculty of the University of Chicago.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

## TELEVISION

# "I Don't Want To Embarrass You"

*The time: Sunday evening, ten o'clock.*

*The scene: a TV Studio: seated in a chair facing the camera is Harvey Lepidus, detective-story writer; facing Mr. Lepidus, with his back to the camera, is the interviewer, Wallie Michaels.*

MICHAELS: Mr. Lepidus I'd like to start off with a few questions that I'm sure you'll be able to answer.

LEPIDUS: Go right ahead.

MICHAELS: Mr. Lepidus, what do you think of labor unions, Negroes, homosexuals, nymphomaniacs, aphrodisiacs, the Fifth Amendment, Arthur Miller, birth control, and the Pope?

LEPIDUS: What do I think of *what?*

MICHAELS: Let me make it easier for you, Mr. Lepidus—do you know any Negroes, or Catholics for that matter, who have in the past, say, ten years, acted as labor leaders and invoked the Fifth Amendment? Do you?

LEPIDUS: No, Wallie . . .

MICHAELS: You say "no," Mr. Lepidus —and yet I have before me a quotation from your latest book, *Murder on Fifth Avenue,* where, on page 78 you say, and I quote, "The woman crossing Fifth Avenue was a Negro." You admit you wrote that?

MICHAELS: Let's drop it, then. I think the inferences can be drawn, and I don't want to embarrass you.

LEPIDUS: Thank you.

MICHAELS: Let me put this next question to you point-blank. Mr. Lepidus, why aren't you a great writer? And let me mention a few names of people I mean by great writers—Kafka, William Wadsworth, Charlie Dornflinger, Sol Katz, Faulkner. Why aren't you in that list, Harvey Lepidus? Don't you have a responsibility to the public?

LEPIDUS: Well, I can tell you a little story about Bill Faulkner. Bill is a friend of mine—

MICHAELS: So you want to talk about the Negro problem after all. Well, what do you think of Martin Luther King, the NAACP, the Ku Klux Klan, labor unions, nymphomaniacs, the Fifth Amendment—

LEPIDUS: And I saw him last while I was in Virginia, where—no, it was in Baltimore—

MICHAELS: What do you think of the Duke and Duchess of Windsor?

LEPIDUS: Anyway, Bill was looking pretty healthy—

MICHAELS: Do you think junkies should be allowed to vote?

LEPIDUS: *What?*

MICHAELS: Oh, so that last question interests you. Mr. Lepidus, can I back-track a moment? I've asked you over a dozen questions and you haven't bothered to answer one. Now suddenly I mention the word "junkie" and your eyes pop. Mr. Lepidus, why do you feel *compelled* to answer this question?

LEPIDUS: I thought you said "should monkeys have the right to vote?"

MICHAELS: Isn't that what a good psychiatrist would call a "Freudian error," Mr. Lepidus?

LEPIDUS: No-o-oo, I don't think so . . .

MICHAELS: Mr. Lepidus, are you a junkie?—and doesn't the word "monkey" have special meaning to you main-liners?

LEPIDUS: *Me?* A junkie?

MICHAELS: How did you break the habit? You, who were once the idol of millions—you, who in May of 1948 wrote a testimonial for Borden's Milk—which I have before me—saying "Drink milk. I do"—how could you have ever been victimized by so wretched a vice? Answer that question at least, Mr. Lepidus?

LEPIDUS: Which?

MICHAELS: Okay, Mr. Lepidus, let's change our path. You're Jewish, aren't you?

LEPIDUS: Yes.

MICHAELS: Well, then, how would you feel if you were the mayor of Dublin?

LEPIDUS: I don't know.

MICHAELS: Well, Mr. Lepidus, if you want to avoid the questions that's


# Have you been using hearing aids for 3 years or more?

*If so, you are experienced enough to appreciate this FREE OFFER*

First, a fact that may surprise you: Most Audivox business is done with people who have tried out other hearing aids. These *experienced* deaf people are never impatient over the time and care taken by Audivox dealers in analyzing an individual hearing problem. Remarkable precision testing equipment and a wide variety of hearing aids enable the Audivox expert to correct 1,023 different kinds and degrees of hearing loss. If you appreciate this kind of personal attention — send the coupon and receive, *free*, a certificate good for a $15 examination and analysis. Without obligation, of course.

**audivox**
HEARING AIDS
SUCCESSOR TO *Western Electric*
HEARING AID DIVISION

**$15 Certificate FREE...Send Coupon Now**

Audivox, Inc., Dept. B-2,
123 Worcester St., Boston, Mass.

Please mail me — at no cost to me and without obligation — the certificate entitling me to a $15 Hearing Examination *free.*

*Name* .....

*Street & No.* .....

*City* ..... *County* ..... *State* .....


LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

quite all right with me. . . . One final question that I hope you won't avoid.

LEPIDUS: Yes?

MICHAELS: In the newspapers your name has been linked with a certain blond named Laura. Who is this Laura, Mr. Lepidus, and what do you think of infidelity?

LEPIDUS: Well, I think I can help you here, Wallie. Laura is my five year old daughter. And about infidelity, I don't know. I mean I really don't think about it much. For that matter I don't think much about labor unions, Negroes, homosexuals, nymphomaniacs. . . . Come to think of it, I've never even met a nymphomaniac . . .

MICHAELS: Excuse me, Mr. Lepidus, but do you take us for naïve?

*The time: The following Friday evening, ten thirty.*

*The scene: a TV Studio; seated in a comfortable chair is Ned Burough, the interviewer; a huge white screen looms before him. He speaks.*

BUROUGH: Tonight we are going to visit with Harvey Lepidus, his wife Sheila, and their little five year old daughter, Laura. *(An apartment house flashes on the screen.)* This is the Manhattan apartment in which the Lepidus family lives. *(Now the screen before Mr. Burough shows the inside of the Lepidus apartment; seated on a long sofa are the three Lepidus'.)*

BUROUGH: Hello, Mrs. Lepidus.

MRS. L: Hello, Ned——Mr. Burough.

BUROUGH: Who's the little girl with you?

MRS. L: Oh, that.

BUROUGH: Yes, who is she?

MRS. L: Oh, our little girl Laura. Say hello to Ned—to Mr. Burough, sweetheart.

LAURA: *(the child blinks and then looks at her left foot).*

BUROUGH: Ho, ho, ho! That's quite a little girl you've got there, Mr. Lepidus.

LEPIDUS: Yes, she is, isn't she? Say hello to Mr. Burough, Laura.

LAURA: *(blinks again but remains silent).*

BUROUGH: Yes, she's quite a little girl.

MRS. L: We like her, Ned.

BUROUGH: That's quite a sofa you're all sitting on—where did you get it?

LEPIDUS: Oh, we got it, Ned. *(Standing up)* Do you want to see our chairs?

BUROUGH: Delighted.

LEPIDUS: *(walking around the living room)* Well, these are our chairs, Ned. These are the legs, and these are the seats—and this is where you lean your back, against this. And the chairs rest on the carpet. This is our carpet, Ned.

BUROUGH: That's quite a carpet.

MRS. L: We like it, Ned.

BUROUGH: Mrs. Lepidus, is there a story behind that carpet?

MRS. L: (*thinking*) Oh, yes, Mr. Burough—

BUROUGH: Call me Ned.

MRS. L: Ned. We ordered this carpet from Bloomingdales, and when the men came to deliver it I wasn't home —that is, I was—I couldn't answer the door—and Laura let them in.

BUROUGH: Yes, that's quite a story. You're quite a little girl, Laura . . . What did *you* think of that when you came home, Mr. Lepidus?

LEPIDUS: Call me Harv.

BUROUGH: Harv.

LEPIDUS: Well, Ned, I thought it was a good story . . . Would you like to see the downstairs, where I do my work?

BUROUGH: Delighted.

LEPIDUS: *(leaving the living room and going down a flight of stairs)* These are our stairs, Ned.

BUROUGH: Yes, I see. Quite a flight of stairs.

MRS. L: We like them, Ned. Each step, you know, is the same height as the one above and below.

BUROUGH: How did you manage that?

LEPIDUS: Oh, I leave all those things up to Sheila.

BUROUGH: Ho, ho, ho. I guess we all do, Harv.

LEPIDUS: *(standing now in his study)* This is the study I'm standing in now, Ned. And this is my typewriter —and those are the keys of the typewriter. I may have some paper around that I can show you.

BUROUGH: So that's where you turn out those marvelous detective stories?

LEPIDUS: Yes, that's where I turn them out all right.

MRS. L: Yes, that's where he turns them out.

BUROUGH: *(leaning forward)* To change the subject a moment, Harv, could you tell us how you met Mrs. Lepidus?

LEPIDUS: *(looking at his wife and taking her hand)* Oh, we just met, Ned. I mean we just met and then, well, I guess we decided to get married. First we got engaged.

MRS. L: *(rubbing her shoulder up against her husband)* Yes, Ned, first we got engaged.

BUROUGH: Then came Laura?

MRS. L: Then came the wedding. Then Laura.

BUROUGH: That's quite a story . . . What's behind that door, Sheila?

MRS. L: *(turning)* That's the bathroom, Ned. In there we have the sink, the toilet, the shower, the bath, and the medicine chest. In the medicine chest we have band-aids, Listerine, Vitalis, eye-drops, razor-blades—

LEPIDUS: We're out of razor blades, dear.

MRS. L: We're out of razor blades, Ned . . .

PHILIP ROTH

---

# *Correspondence*

*(Continued from page 3)*

such, but of a certain kind of philosophy. And if the internal inconsistencies, the irresponsible omissions, and the mystical pontifications within this sermon are any sign of the sort of philosophizing that he thinks has gone, let us all bow our bawdy heads and utter a very unchaste Amen. For it may just be that the professional purveyors of magic, mystery, and dimensions in depth are beginning to see that they cannot obtain responsible philosophical support for their various obscurantisms. In this frightening contemporary day, when those who would inquire are being forced, or urged, or advised not to think beyond certain limits, empirical philosophy probably will not be able to do much directly about the psychological appeal of the various neo-orthodoxies. But its own internal development of carefully wrought out symbolisms and techniques of argumentation is apparently reaching the point where the theologian no longer pretends to argue with philosophical tools.

Now I'm quite willing to argue the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

point as to how best to interpret this situation; but that would involve analysis. For the moment, then, I need only add that at least one member of the "younger generation" (who of course has blinders) is quite content that another prominent theologian has seen the handwriting on the wall.

FREDERICK M. ANDERSON
*Simmons College*

*" . . . a philosophy of crisis"*

SIRS:

WHAT Mr. Fitch really wants is not philosophy but some discipline dedicated to words of hope and human salvation. . . . He can't abide analysis because it is tentative and incomplete. He likes his philosophic pleasure "big" and is dissatisfied with a method that breaks experiences up into little pieces. I don't think he appreciates the excitement and sense of discovery which comes from attacking a purely analytic distinction, or a moot point in logical analysis. He wants a philosophy of crisis as well as a theology of crisis.

But analytic philosophy has no program of salvation and cannot guarantee the safe or even precarious passage of man across the wilderness of experience. . . . Unlike theology it dare not turn its back on the saner accomplishments of science and reason in the past few centuries. Less palatable, no doubt, than the saving doctrines of the new theology, it is not of a kind with testaments to man's excellence or depravity. In workmanlike fashion it chips away at particular problems, hoping to add new insights to perennial philosophic disturbances. What Mr. Fitcth wants, analytic philosophy cannot give him, and neither could Dewey or Peirce, or Hume or Russell. Contemporary philosophy does not speak to Mr. Fitch, because he is not interested in what it says. And yet an inability to understand one's neighbor's language is hardly a necessary or a sufficient condition for thinking him dead.

HAROLD WEISBERG
*Brandeis University*

### ► *Eisenhower and God*

SIRS:

IN letters to *NR* (June 24) readers Bailey and Nelson indict me for "prying into Mr. Eisenhower's prayers." Somehow readers Bailey and Nelson seem to think that Mrs. Eisenhower whispered the prayer to Mrs. Judd who whispered it to Congressman Judd who whispered it to Peale who whispered it to me. I'm afraid this is not the case, and that if Mr. Peale permits himself to lapse into a state even faintly resembling contrition (which is a negative virtue at most), it will have to be for a betrayal even blacker than Miss Nelson may have imagined; for when Congressman Judd whispered Ike's prayer to Peale, Peale went ahead and thundered it to thousands of worshippers gathered in Marble Collegiate Church, N.Y.C., one Sunday last December. I happened to come across it in one of the reprints of Peale's sermons which, by the way, are delivered by the tens of thousands through the mails. I didn't have to do a great deal of prying.

As for Miss Nelson's charge that *I* am an exploiter of prayers, I suggest not that she put down her gun, but rather that she redirect her fire, for I get as angry as she does about vulgar exploitation. It was, in fact, unsettling to me to think that when the Reverend Mr. Peale got hold of Ike's prayer he may have thought to himself, "Now I've got myself a real testimonial." Unfortunately what Mr. Peale considers a testimonial I consider, not only bad taste but a blasphemy—and to my mind it would be "cynical and smug" to refrain from picking up the whip of ridicule and driving the exploiters, blasphemers, and money-lenders from the temple.

PHILIP ROTH
*Moorestown, N. J.*

*" . . . refreshing response"*

SIRS:

WE read with considerable amusement the outraged squawks of your correspondents who deplore your bad taste in publishing an analysis of alleged presidential prayers.

For five long years we have been regaled with fulsome accounts of Mr. E's religiosity, neatly (if obviously) injected into all sorts of political publicity, even culminating in a whole book extolling Mr. E as, virtually, a new Messiah. We found Mr. Roth's ironic response to this type of adulation rather refreshing. If anyone has pried into and "crassly" advertised presidential prayers, how about Rep. Judd, Dr. Peale, *et al.*?

MRS. W. W. GOODMAN
*Seaside, Calif.*

**A Vacation**
**PLUS**

. . . a first-rate introduction to liberal politics is offered by the ADA Summer School, July 27-August 4. Speakers include Mrs. Eleanor Roosevelt, Geoffrey Freitas, M.P., Robert Bendiner, Robert R. Nathan, etc. Locale is Bard College, two hours from New York City and within easy reach of Hyde Park.

**Outdoor Swimming, Tennis, Entertainment**

*For further information, write:*

**AMERICANS FOR DEMOCRATIC ACTION**
**1341 Conn. Ave., N.W., Wash. 6, D. C.**

**Experienced teacher (sociology, economics)** and administrator seeks opportunity in liberal college or boarding school. M. A. plus. Wendell East, 4833 Hulmeville Rd., Cornwells Heights, Pa.

**Complete Personality Analysis from Your Handwriting**
Fee $5.00
Alfred Kanfer
62 Leroy St., New York 14, N. Y.
Endorsed by scientific authorities, hospitals, insurance companies, colleges, psychiatric journals.
Recipient of research grants

LET ME FIND THE BOOK YOU WANT
Madeleine Swarte, 122 South Third Avenue, Mount Vernon, New York

**TO AUTHORS**
**seeking a publisher**

Send for our free, illustrated booklet entitled **To the Author in Search of a Publisher.** Tells how we can publish, promote and distribute your book. All subjects considered. New authors welcome. Write today for booklet RP. It's free.
**VANTAGE PRESS, INC., 120 W. 31 St., N. Y. 1**
**In Calif.: 6253 Hollywood Blvd., Hollywood 28**
**In Wash., D. C.: 1010 Vermont Ave., N.W.**

$1600 CASH Awards plus 40% Royalty
**All types of manuscripts invited.**
**Best Book Contest For 1957**
For Contest rules and details of famous publishing plan, write for Brochure N.
**Pageant Press, 101 Fifth Ave., N. Y. 8**

**BRITISH BOOK BARGAINS—ALL SUBJECTS.** Catalogues free. Transbooks, Box 1—NR, Wantagh, New York.

**BRITISH SHOES FOR GENTLEMEN** at a fraction of their American retail price! $9.95 includes duty and import charges. Delivery in ten days from receipt of order. Unconditional money-back guarantee. Write for free illustrated catalogue. Steven Williams, Jr., Ltd., 40 Chatham Road, Short Hills, New Jersey.

**LEARN WHILE ASLEEP:** Details free. Research Association, Box 610-NR, Omaha, Nebraska.

**MANUSCRIPTS PUBLISHED**
Historical, autobiographical, belle-lettres, Americana or occult material published in book, booklet or brochure form. Expert technical editing, designing and cost service free. Nation wide sales and distribution available. Write for information regarding 100% ethical plan.
**RESEARCH PUBLISHING**
185 N. Wabash, Chicago 1, Ill.

PRINTED BY NATIONAL PUBLISHING CO., 301 N ST., N. E., WASHINGTON 2, D. C.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

# The need to know

It starts early, the impulse to find out, to look into, to KNOW everything.

We all have it in our beginnings. And for some of us, this instinct to know doesn't vanish with childhood; rather it reaches out as we grow older and ventures forward into more and more areas of the knowable.

Which often leads us, from our school years onward, into an unbreaking association with TIME. For TIME, too, has that unending impulse to look into and at, to find out, to KNOW.

**TIME**—*The Weekly Newsmagazine*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED